

EVIDENCE — Documentary and Physical Evidence — Authentication of unknown documents by expert testimony of comparison with known documents under Rule 901(b)(3) — Revised 3/2010

"Comparison by the trier of fact or by expert witnesses with specimens which have been authenticated" establishes proper foundation for admission of documents. Rule 901(b)(3), Ariz. R. Evid.

In *State v. Connor*, 163 Ariz. 97, 101, 786 P.2d 948, 952 (1990), the court received into evidence a note admittedly printed and signed by defendant during trial and a letter purportedly in defendant's handwriting and bearing his signature, which was damaging to defendant if genuine. These were admissible under Rule 901(b)(3) to permit the jury to compare the two to determine authorship of the damaging letter, even if testimony given by the recipient of the letter was insufficient to authenticate.

In *State v. Reasoner*, 154 Ariz. 377, 742 P.2d 1363 (App. 1987), the defendant's home was searched pursuant to a warrant and some documents signed "Randy Nichols" were seized. The State wanted to prove that the defendant had signed the documents under the false name "Randy Nichols," and called a document examiner as an expert witness. The State also presented in evidence the defendant's driver's license application and license bearing his picture and signed with the same name. The examiner testified that all of the documents had been signed by the same person, and that the signature on the defendant's driver's license application was made by the same person who had signed the documents. *Id.* at 384-85, 742 P.2d at 1370-71. The driver's license was "self-authenticated" as a public record under Rule 901 and 902, Ariz. R. Crim. P. The trial court found that since the driver's license was authenticated and the expert testified that he had compared the signatures and found them to be the same,

the State had laid a sufficient foundation to admit all of the questioned documents. *Id.* at 384-85, 742 P.2d at 1370-71.